HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Writ Petition No. 22443 of 2005

Between:

P. Govardhan and another

… Petitioners

And

The District Collector,

Ranga Reddy District, Hyderabad

and 5 others.

… Respondents.

:: ORDER::

December 12, 2005

per G.S. Singhvi, CJ.

This petition filed by P. Govardhan and A. Balaiah, both

residents of Kurmidda village, Yacharam mandal, Ranga Reddy District for issuance of a Mandamus to the official respondents to remove the alleged encroachment of public land (road) and construction made by respondent No.6 is liable to be dismissed on the ground that W.P. No. 14569 of 2005, filed by Neelam Sayanna and others for grant of similar relief, was dismissed by a coordinate Bench on 22.8.2005 and civil suit filed by the petitioners of that case for grant of injunction is pending in the Court of Junior Civil Judge, Ibrahimpatnam, Ranga Reddy District and the order of injunction passed in that case is still operating.

The petitioners claim that they have no personal interest and they have sought intervention of the Court in public interest, but from the oral statement made by the learned counsel for the petitioners during the hearing of the case that he would advise Neelam Sayanna and others to withdraw the suit pending in the Court of the Junior Civil Judge, Ibrahimpatnam it becomes clear that his clients have stepped in only after the dismissal of the earlier petition.

In our opinion, once similarly situated persons have already invoked the jurisdiction of Civil Court and the suit for injunction filed by them is pending there can be no justification for issuance of a mandatory direction by this Court for demolition of the construction raised by respondent No.6.

With the above observations, the writ petition is dismissed.

However, liberty is given to the writ petitioners to apply for their impleadment as parties in the civil suit pending in the Court of Junior Civil Judge, Ibrahimpatnam and also apply for modification of the interim order.

It is also made clear that Neelam Sayanna and others shall be free to amend the plaint for seeking further relief, namely, for removal of the construction made by respondent No.6 and to prove that he has in fact encroached on public land and raised unauthorized construction over it.

G.S. SINGHVI, CJ

R. SUBHASH REDDY, J

December 12, 2005.

MVB.